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ABSTRACT

Thirty-one States have a form of mandatory meet and confer or collective bargaining law; six States have permissive legislation; seven States are considering collective bargaining legislation. This guide presents, in chart form, the legal provisions for each State with respect to employee classification, type of representation, administration, scope of bargaining, impasse procedure, grievance procedures, unfair practice penalties, and deadlines. Proposed Federal legislation is analyzed in the final chapter. (DW)

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A Legislator's Guide to Collective Bargaining in Education

Research Brief, Vol. 3, No. 4

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Credits

Lawrence Raful, ECS legal intern from the University of Denver, has provided the analysis of federal legislation: "The Effect of Federal Legislation on Public Employe Bargaining Rights," and the appendixes.

Thomas A. Emmet, special assistant to the president, Regis College, Denver, has graciously provided special consultative help in the charting of state legislation. In addition, Emmet was instrumental in the publication of ECS Report No. 45, *Collective Bargaining in Postsecondary Educational Institutions,* used as a resource for this brief.

A special reference in the preparation of the state legislation chart was the *Government Employee Relations Report* published by the Bureau of National Affairs, Inc., Washington, D.C.

Other basic information for this report was drawn from state education codes and from the research files and publications of the ECS Research and Information Services Department—notably its annual series of publications, *State Education Legislation and Activity,* by Doris M. Ross.

Introduction

At the time of the Education Commission of the States (ECS) annual meeting in mid-1968, the collective bargaining issue revolved around the question of *whether or not*—that is, whether or not public employes, including those in education, should have the right to bargain. With illegal public employe strikes occurring with increasing frequency, along with demands for unionization of such employes, the issue had claimed legislative attention in some 16 states that had, by then, passed meet and confer or collective bargaining laws covering teachers and boards of education.

Since 1959, when Wisconsin pioneered the collective bargaining concept for public employes, more than half the states have followed suit with mandatory laws covering some or all of their education employes. The issue is no longer *whether or not* to permit public employe collective bargaining, but *how to* implement such bargaining and *how to* prevent and/or deal with public employe strikes which endanger the general well-being of the population.

Thus, in many 1975 state legislative sessions, collective bargaining for public employes has assumed a top priority status. Of those states which have no legislation in effect, ECS has identified Colorado, Illinois, Kentucky, North

Carolina, Ohio, Virginia and West Virginia as states that will consider passage [illegible]ublic employe collective bargaining or meet and confer law in 1975. States which will consider a new law to replace one already in effect include California, Connecticut, Missouri and Oklahoma. Dealing with revision or expansion of present laws will be Alaska, Indiana, Maine, Maryland, Michigan, Nevada, New Hampshire, North Dakota, Washington and Wisconsin.

Thirty-one states, at this writing, have some form of mandatory meet and confer or collective bargaining law for all or part of their education employes.

States with Mandatory Meet and Confer or Collective Bargaining Laws

Alaska	Maine	New York
California	Maryland	North Dakota
Connecticut	Massachusetts	Oklahoma
Delaware	Michigan	Oregon
Florida	Minnesota	Pennsylvania
Hawaii	Missouri	Rhode Island
Idaho	Montana	South Dakota
Indiana	Nebraska	Vermont
Iowa	Nevada	Washington
Kansas	New Hampshire	Wisconsin
	New Jersey	

Six states have *permissive* coverage of a sort: Texas statutes permit consultation between teachers and school boards but forbid public employe collective bargaining. New Hampshire statutes give local school boards the option to deal with teacher organizations but do not require such. Attorney generals' opinions in Kentucky, New Mexico and Virginia indicate that teachers in these states have the right to bargain; and in Illinois, a 1966 judicial ruling per[illegible]its teachers and local employes to bargain.

While a majority of the states have faced the issue of collective bargaining for public education employes, a good number have not chosen to deal legislatively with the problem. This fact may have been the impetus for the introduction of federal collective bargaining bills in the past few years. Two of these bills are analyzed in this brief.

As preparation of this book entered the final stage, it was learned that Representative Frank Thompson (D-N.J.) will introduce in the U.S. House of Representatives a compromise measure to allow public employes to bargain collectively, with states offering a better collective bargaining law exempted from the act. According to *Education Daily* (Jan. 22, 1975), all concerned groups will be offered an opportunity to review the measure before it is introduced.

Although passage of a federal collective bargaining bill appears likely, any action on the issue will probably be delayed until the new Thompson measure has cleared committees. The impact of a federal law upon state laws affecting education would be widespread in those states that have little or no collective bargaining legislation on the books and certainly noticeable in those states with similar or stronger laws.

What kinds of state collective bargaining laws are already on the books? What are the major provisions of these laws? What constraints have been placed by the several states upon completed collective bargaining agreements? Who may bargain? Are there state structures for implementation of collective bargaining laws?

What are bargainable items? Bargainable items (listed on the chart of state legislation in this brief under "Scope of Bargaining") are most often defined as wages, hours and terms and conditions of employment—a definition which could sweep across regulatory legislation already in state education codes—tenure, retirement, length of the teaching year, class size, sabbatical leaves, teacher training and evaluation, textbook selection, school district budgeting and state foundation plans, to name but a few.

What about the accountability of the school system to students and parents? Do current collective bargaining laws enhance the nation's education system in general, or could they be improved? Tightened? Loosened? Much of what is done in the states will be governed by the action of Congress in its consideration of the federal collective bargaining bills before it.

Using state education codes, resource materials from the Bureau of National Affairs' *Government Employee Relations Report* and the resources of the ECS Research and Information Services Department, 45 state collective bargaining laws affecting education were examined, analyzed, and charted for this brief.

The meet and confer laws are distributed across the states as follows:

- One state, Kansas, has meet and confer coverage for all four types of education employes: professional K-12, classified K-12, professional postsecondary and classified postsecondary. Community college employes are specifically covered as well.*

- Nine states, California, Connecticut, Delaware, Idaho, Kansas, Maryland, Nebraska, Vermont and Washington have meet and confer coverage for K-12 professional employes.

- Four states have meet and confer coverage for K-12 classified employes: California, Kansas, Maryland and Missouri.

- Two states have meet and confer coverage for postsecondary professional employes: Delaware and Kansas.

- Two states have meet and confer coverage for postsecondary classified personnel: Kansas and Missouri.

More states have passed collective bargaining laws, ranging from the narrow to the comprehensive:

- Eleven states have collective bargaining coverage for all four types of education employes: Florida (specifically includes community colleges), Hawaii, Iowa,

*Without an extensive investigation of state structures, policies and interpretation of specific laws, identification of coverage for community college employes is difficult. ECS has identified here only those states which make direct mention of community college coverage. It is indeed possible that community colleges are covered in other state K-12, postsecondary or public employe collective bargaining laws by implication.

Massachusetts, Minnesota, New Jersey, New York, Oregon, Pennsylvania, Rhode Island and South Dakota.

- Twenty states have collective bargaining coverage for K-12 professional employes: Alaska, Florida, Hawaii, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Jersey, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota and Wisconsin.

- Eighteen states have collective bargaining coverage for K-12 classified employes: Florida, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Washington and Wisconsin.

- Eighteen states have collective bargaining coverage for postsecondary professional employes: Alaska, Florida (includes community colleges), Hawaii, Iowa, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Jersey, New York, Oregon, Pennsylvania, Rhode Island and South Dakota. Three states included within this classification have only partial postsecondary professional coverage: Vermont has coverage for state colleges only, Washington has coverage for community colleges only and Wisconsin has coverage for two-year institutions only.

- Eighteen states have collective bargaining coverage for postsecondary classified employes: Alaska, Florida (includes community colleges), Hawaii, Iowa, Maine, Massachusetts, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, South Dakota, Washington and Wisconsin. Vermont, also included in this classification, has coverage for state colleges only. Although North Dakota has a dispute procedures law covering postsecondary classified employes and South Carolina has a grievance procedures law encompassing K-12 and postsecondary classified employes, these states are *not* included here.

States with No Mandatory Meet and Confer or Collective Bargaining Laws

Alabama	*Kentucky	South Carolina
Arizona	Louisiana	Tennessee
Arkansas	Mississippi	Texas
Colorado	*New Mexico	Utah
Georgia	North Carolina	*Virginia
*Illinois	Ohio	West Virginia
		Wyoming

*Permissive coverage, but no legislation

Where does your state stand in the collective bargaining picture? The state legislation charts and the analysis of two primary federal collective bargaining proposals should provide you with some of the background you need to respond to this challenge in your state legislature.

Guide to State Legislation Chart

State Keys

In the first column of the state charts ("State and Statutory Reference: Identification"—see p. 6 and below each citation is a quick identification key. On the top line is the type of coverage in the law:

- CB = Collective Bargaining. The process which requires of two parties, the employer and the designated employe collective bargaining agent, that they perform mutual obligations aimed toward the arrival of a written and binding contract.
- MC = Meet and Confer. The process which requires of two parties, the employer and the employe, that they consult together on matters defined by law. Binding contracts and binding arbitration are not generally required.

On the left side of the second line is the level of education personnel covered:

- K-12 = Employes serving kindergarten through grade 12.
- PS = Employes serving at the college and university level.
- CC = Employes serving at the community college, or two-year institution, level.

On the right side of the second line is the employment level of covered personnel:

P = Professional employe, generally a certified teacher or one with similar or higher status.

C = Classified employe, generally below the rank of a certified teacher, i.e., clerks, food employes, bus drivers, custodians, paraprofessionals.

For example, the chart key for California may be interpreted as follows:

MC		=	A Meet and Confer Law	
K-12	P-C		For personnel serving kindergarten through grade 12	Professional and classified personnel are covered.

Glossary of Chart Terms

Agency Shop: An arrangement under which an employe within the scope of the bargaining unit does not have to become a member of the unit, but must pay a service fee.

Arbitration: A procedure whereby parties unable to agree on a solution to a problem indicate their willingness to be bound by the decision of a third party. The parties usually agree in advance on the issues which the third party (arbitrator) is to decide.

Bargaining Unit: A group of employes organized as a single unit and having a single representative to the employer.

Court Review: The means through which a court of appropriate jurisdiction may consider and rule upon actions or findings of a labor relations board.

Dues Checkoff: Deduction of bargaining unit dues from members' paychecks.

Grievance: An allegation by an employe or by the union that the employer or one of its agents, in the process of implementation of the contract, is guilty of misapplication, misinterpretation or violation of one or more specific provisions of the existent contract.

Impasse:	That stage in negotiations at which the two parties are, or appear to be, unable to achieve resolution of the issues still on the bargaining table.
Injunctive Relief:	An order by a court to perform or cease to perform a specific activity.
Management Rights:	Certain rights, privileges, responsibilities and authority requisite to the conduct of an enterprise by its management.
Mediation:	That form of impasse resolution in which a third party meets with the two parties to the dispute, together and/or separately, in order to perform a catalytic function in an effort to effect an agreement.
Recognition:	The accomplishment of the status of collective bargaining agent for a unit of defined extent.
Representation:	Exclusive representation means that the bargaining unit recognized by the employer is the sole representative of employes within a defined category. California is the only state which allows a form of multiple representation (see chart).
Scope of Bargaining:	Bargainable items: the limits, if any, of the appropriate subject matter of bargaining. If such are not set by law, they are determined by the interaction at the bargaining table.
Service Fee:	Payment to the bargaining unit, either directly or through paycheck deduction, by a nonmember eligible for inclusion in the bargaining unit, of a fee substantially equivalent to member dues.
Strike:	A concerted work stoppage, usually used as an effort in time of impasse to accomplish a contract on terms acceptable to the union.

Unfair Practices:	Practices prohibited under either collective bargaining law or under rules and regulations responsibly determined by the appropriate agency administering the law. "Standard" unfair practices include interference, restraint, coercion, discrimination, etc. as practiced by either employer or employe.
Union Security:	The right of a recognized bargaining unit to have its members' dues deducted from paychecks, to collect a service fee from nonmembers, to require employe membership in the bargaining unit, or any combination of these rights.
Union Shop:	The form of union security agreement under which one need not be a member of the union on initial employment but must, within a limited period of time, become and remain a member for the duration of the contract, as a condition of continuing employment.

State Collective Bargaining Laws Affecting Education

STATE COLLECTIVE BARGAINING

State and Statutory Reference; Identification	Coverage; Employe Classification; Level	Bargaining Unit; Type of Representation; Union Security	Administration	Scope of Bargaining; Management Rights
ALABAMA				
ALASKA § A 14.20.550 through A 14.20.610 CB K-12 | P	All certified employes K-12 level	All certified employes; superintendents excluded. Certified administrative personnel, including principals, asst. principals may bargain separately. Exclusive representation; no union security	Local school boards or directors of state-operated schools	Matters pertaining to employment and fulfillment of professional duties
ALASKA Public Employment Relations Act: § 23.40.010 through 23.40.240 CB PS | P-C	All public employes, including professional and classified postsecondary personnel	Units determined by Labor Relations Agency. Exclusive representation; union shop, dues checkoff, service fees permitted	Labor Relations Agency: Department of Labor	Wages, hours, terms and conditions of employment. Merit system retention
ARIZONA				
ARKANSAS				

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices, Penalties; Strikes	Final Form; Deadline Dates For Completed Agreements	Comments
				A statutory prohibition of public employe membership in labor unions was declared unconstitutional in 1972. State has firefighters bargaining: Tit. 37, § 450(3)
Mediation Board; recommendations to be made public	Must be bargained	No specific provisions	Final agreement must be made at public meeting. No deadline specified	
Mediation; arbitration	Must be bargained. Must provide binding arbitration	"Standard" provisions (no interference, restraint, coercion, discrimination, etc.). Injunctive relief. Strikes permitted after mediation; to be followed by binding arbitration	Written agreement not to exceed 3 years. No deadline specified	Bargained items requiring funding are subject to legislative approval.
				State has no public employe collective bargaining legislation.
				State has no public employe collective bargaining legislation.

State and Statutory Reference; Identification	Coverage; Employe Classification; Level	Bargaining Unit; Type of Representation; Union Security	Administration	Scope of Bargaining; Management Rights
CALIFORNIA West's Annotated California Education Code: Winton Act: § 13080 through 13090 **MC** **K-12 P-C**	All public school employes except those elected by popular vote or appointed by governor. K-12 level, professional and classified	Any number of public school employe organizations permitted. Proportional representation with single certificated employe council. No "management" on council; separate management group permitted	Public school employer to adopt rules and regulations. County board of education is employer for multi-organization council	All matters relating to employment conditions, employer-employe relations, procedures relating to definition of educational objectives, course content, curricula, textbooks, wages, nours, etc. if permitted by law. Certificated employes may bargain above; classified employes may not bargain underlined items, or "other terms and conditions of employment"
COLORADO				
CONNECTICUT General Statutes Annotated: § 10-153a through 10-153g **MC** **K-12 P**	All certified professional employees of town and regional boards of education except superintendents and persons responsible for budget preparation, personnel relations and temporary substitutes. K-12 level	Separate units for administrators and non-administrators may be combined only by mutual agreement. Exclusive representation. No union security	Local and state boards of education	Salaries and other conditions of employment about which either party wishes to meet and confer
DELAWARE Code: Tit. 14, Ch. 40, § 4001-4013 **MC** **K-12 P**	All certificated non-administrative employes, excluding supervisory and staff personnel. K-12 level	All covered employes. Exclusive representation. Dues checkoff permitted	Local boards and state board of education	Salaries, employe benefits and working conditions must be bargained. May meet and confer on other matters as defined in act

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices, Penalties; Strikes	Final Form; Deadline Dates For Completed Agreements	Comments
No specific provisions	Resolution procedure for persistent disagreements to be established by meeting and conferring. Provision for factfinding committee; nonbinding recommendations	Standard provisions for unfair practices. No specific provisions for strikes	No legally enforceable contracts, written resolutions, regulations or policies permitted. Written memorandum of understanding may be presented to governing body	A meet and confer law. Other bargaining laws not covering education are: Public Employes, § 3500-3510 of Government Code; State Employes, § 3525-3526 of Government Code; and Firefighters, § 1960-1963 of Labor Code. A 1971 governor's executive order called for meeting and conferring with nonacademic university and college employes on general salary increases, inequities, and general benefits.
				State has no public employe collective bargaining legislation.
Mediation by secretary of state board of education. Arbitration with nonbinding recommendations	No specific provisions	Standard provisions for unfair practices. Strikes prohibited; no penalties specified	Written agreement to be completed in time for budget-making process	Agreement is binding on legislative body of town or regional district unless rejected by such body; renegotiation prescribed. A meet and confer law. State has Municipal Employes Relations Act: PA 159, L 1969.
Mediation, factfinding, nonbinding recommendations	No specific provisions	Unfair practices defined as any tactic which circumvents teacher contracts. Strikes prohibited, with loss of unit recognition for violation	Form of minimum 2-year agreement not specified. No deadline specified	A meet and confer law.

State and Statutory Reference; Identification	Coverage; Employe Classification; Level	Bargaining Unit; Type of Representation; Union Security	Administration	Scope of Bargaining; Management Rights
DELAWARE Code: Right of Public Employes to Organize: Tit. 19, Ch. 13, § 1301 through 1313 MC PS | P	Any certificated professional employe of public school system of state; includes postsecondary	Unit determination not specified. Exclusive representation. Dues checkoff permitted	Department of Labor and Industrial Relations	Employe relations, wages, salaries, hours, vacations, sick leave, grievance procedures, other terms and conditions of employment
FLORIDA Statutes: Public Employe Relations Act: § 447.001 through 447.023 CB K-12 PS CC | P-C	Public employes; K-12 and postsecondary levels included; professional and classified	Criteria listed for appropriateness of unit. Final review of unit determination by Public Employe Relations Commission. Exclusive representation. Dues checkoff permitted	Public Employe Relations Commission: 5 members appointed by governor	Wages, hours, terms and conditions of employment. Extensive management rights; merit system protected
GEORGIA				
HAWAII Statutes: Public Employees Act: § 89-1 through 89-17 CB K-12 PS | P-C	Any person employed by a public employer except elected and appointed officials and top level management. K-12 and postsecondary levels; professional and classified	13 categories for appropriate units listed, including teachers and other personnel on same salary schedule; education officers and others on same salary schedule; faculty of University of Hawaii & Community College System; other postsecondary personnel. Exclusive representation; Dues checkoff, service fee permitted	Public Employment Relations Board: 3 members, 1 management, 1 labor, 1 public, appointed by governor	Wages, hours, other terms and conditions of employment. Specific exclusions. Extensive management rights; merit system protected

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices, Penalties; Strikes	Final Form; Deadline Dates For Completed Agreements	Comments
State mediation service or arbitration. Wages and salaries excluded	May be bargained	Standard provisions for unfair practices. Strikes prohibited; no penalties specified	Written agreement. No deadline specified	A meet and confer law.
Mediation, "special master" for public hearings, factfinding. Settlement by appropriate legislative body	Must be bargained; must provide for binding disposition	Standard provisions for unfair practices; injunctive relief. Strikes prohibited, listed as unfair practice; injunctive relief; fines, damages, probation, loss of unit recognition for violation	Written contract. No deadline specified	Impasse to be declared if no agreement after 60 bargaining days or 70 days prior to budget submission date. Legislative last resort settlement of impasse. Legislature has right to approve, amend or rescind all rules of PERC.
				State has Firefighters Bargaining Law: Code of Georgia Annotated, § 54.1301 through 54.1315
Mediation, factfinding; may culminate in binding arbitration by mutual agreement	May be bargained. Must culminate in final binding agreement	Standard provisions for unfair practices. Strikes permitted after factfinding if no arbitration occurs	Written contract. Reasonable effort must be made to conclude prior to legislative appropriation of cost items	Students and student help of state institutions excluded from act. Terms of agreement within legal scope of bargaining prevail over existing rules and regulations of employer. Act takes precedence over all conflicting statutes; preempts all contrary local regulation.

State and Statutory Reference; Identification	Coverage; Employe Classification; Level	Bargaining Unit; Type of Representation; Union Security	Administration	Scope of Bargaining; Management Rights
IDAHO Code: § 33-1271 through 33-1276 **MC** **K-12 | P**	Certificated employes of school districts. K-12 level	Superintendents, supervisors and principals may be excluded from professional employe group by agreement. Exclusive representation. No union security	Local board of trustees of school district	Specified in agreement. School board "necessary action" protected
ILLINOIS				
INDIANA Burns Annotated Statutes: § 28-4551 through 28-4564 **CB** **K-12 | P**	Certificated employes. Supervisors, confidential employes, security employes and noncertificated employes excluded. K-12 level	Certificated employe organization. Exclusive representation. Dues checkoff permitted	Education Employment Relations Board: 3 members appointed by governor	Salaries, wages and related fringe benefits, hours. Deficit financing prohibited. Extensive management rights listed

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices, Penalties; Strikes	Final Form; Deadline Dates For Completed Agreements	Comments
Mediation, factfinding, nonbinding recommendations	No specific provisions	No specific provisions	Final form not specified. No deadline specified	A meet and confer law. Powers, duties and responsibilities of legislature, state board of education, local boards are protected State has firefighters bargaining act: Ch. 138, L1970.
				State has no public employe collective bargaining legislation. Under a 1966 judicial ruling, teachers and local employes may bargain collectively. State universities have conducted bargaining under personnel code. State executive branch employes, under 1973 executive order, may negotiate wages, hours and certain conditions of employment not regulated by law.
Mediation and factfinding by Education Employment Relations Board	May be bargained. May be subject to binding arbitration; change in contract prohibited. Complaints to and hearing by EERB	Standard provisions for unfair practices. Strikes prohibited, with no makeup time; salary loss, loss of dues checkoff for violation	Written contract. If agreement is not reached 14 days before budget submission date, tentative individual contracts authorized; bargaining to continue	A 1969 attorney general's opinion states that public employers, including boards of higher education, may not engage in collective bargaining until authorized by legislature. Contracts may not include provisions in conflict with rights or benefits established by federal or state law.

State and Statutory Reference; Identification	Coverage; Employe Classification; Level	Bargaining Unit; Type of Representation; Union Security	Administration	Scope of Bargaining; Management Rights
IOWA SF 531 of 1974 CB K-12 | P-C PS	Public employes, excluding administrators, supervisors, superintendents, principals, asst. principals, elective officials, certain students. K-12 and post-secondary levels; professional and classified	Professional and nonprofessional employes; separate or single unit by agreement. Exclusive representation. Dues checkoff permitted	Public Employment Relations Board: 3 members appointed by governor	Wages, hours, terms and conditions of employment, including health, safety, evaluation, in-service training, mutually agreed-upon matters. Retirement excluded. Extensive management rights listed
KANSAS Revised Statutes: § 72-5413 through 72-5425 MC K-12 | P CC	All professional employees. K-12 and community college levels	Separate teacher and administrator units. State board to settle unit determination disputes. Exclusive representation. No union security	State board of education	Terms and conditions of professional service
KANSAS Public Employe Law: Revised Statutes: § 75-4321 through 75-4337 MC K-12 | C PS | P-C	Public employes. Classified K-12; professional and classified post-secondary included	Public employes, including supervisors by agreement. Exclusive representation. No union security	Public Employe Relations Board: 5 members; 1 public employe, 1 management, 3 at-large, appointed by governor	Conditions of employment, including salaries, wages, hours, etc.
KENTUCKY				

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices, Penalties; Strikes	Final Form; Deadline Dates For Completed Agreements	Comments
Mediation, fact-finding, binding arbitration	May be bargained; may provide binding arbitration	Standard provisions for unfair practices. Strikes prohibited; injunctive relief. Fines, dismissal, loss of organization recognition for violation	Final form not specified, must be made public. Impasse procedures must begin 120 days before budget submission date	Contract is not to be inconsistent with statutory limitations on public employer funds. If provisions of act jeopardize federal funds to state, they are inoperative.
No specific provisions	May be bargained; may provide binding arbitration	No specific provisions for unfair practices. Strikes prohibited; no penalties specified	Final form not specified, but not to exceed 2 years. No deadline specified	A meet and confer law. Supreme court ruled in 1973 that Act requires negotiation, not merely meeting and conferring; written agreement in master or individual contracts; binding on both parties.
Mediation, factfinding	May be bargained	Standard provisions for unfair practices. Strikes prohibited; injunctive relief	Written memo of agreement to be completed 14 days before budget submission date	A meet and confer law.
				State has Firefighters Collective Bargaining Act: Kentucky Revised Statutes, Ch. 345 (cities over 300,000 or by petition); county policemen's collective bargaining (over 300,000); KRS Ch. 78. A 1965 attorney general's opinion (65-84) indicated a right of teachers to bargain collectively. Recent teacher attempts to organize have been refused by the courts and attorney general.

State and Statutory Reference; Identification	Coverage; Employe Classification; Level	Bargaining Unit; Type of Representation; Union Security	Administration	Scope of Bargaining; Management Rights
LOUISIANA				
MAINE Municipal Employe Law: Revised Statutes: Tit. 26, § 961 through 972 CB K-12 | P-C	Any municipal or political subdivision employe except superintendent, asst. superintendent, probationary, provisional, temporary, seasonal, on-call, or part-time employe; state board and staff also excepted. K-12 level; professional and classified	Employer or Executive Director of Public Employes Labor Relations Board to determine unit. Principals, asst. principals, supervisory teachers may be included in teacher unit. Exclusive representation. No union security	Public Employes Labor Relations Board: 3 members, 3 alternates appointed by governor; 1 employer, 1 employe, 1 public	Must bargain wages, hours, working conditions and grievance arbitration. Must meet and confer on educational policies. Merit system protected
MAINE State Employe Law: Revised Statutes: Tit. 26, § 979 through 979n CB P[illegible] | C	Any state employe except elected or appointed. Interpretation includes postsecondary classified personnel, excludes faculty	All covered employes. Exclusive representation. No union security	Public Employes Labor Relations Board: 3 members, 3 alternates appointed by governor; 1 employer, 1 employe, 1 public	Wages, hours, working conditions, contract grievance arbitration, employe-employer relationships, other items not controlled by law. Merit system protected. Eligibility of state for federal grants in aid and assistance programs protected

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices, Penalties; Strikes	Final Form; Deadline Dates For Completed Agreements	Comments
				State has no public employe collective bargaining legislation.
Mediation and/or factfinding. Maine Board of Conciliation & Arbitration available. Binding arbitration on all matters by mutual consent; if no consent, binding arbitration on matters other than salaries, pensions, insurance	Parties may enter into binding arbitration agreements on meaning or application of specific terms of contract	Standard provisions for unfair practices. Strikes prohibited, listed as unfair practice; injunctive relief	Written contract not to exceed 3 years. No deadline specified	
Mediation and/or factfinding. Maine Board of Conciliation & Arbitration available. Binding arbitration on all matters by mutual consent, if no consent, binding arbitration on matters other than salaries, pensions, insurance.	May be bargained. Binding arbitration may be included to supersede other procedures in statutes. State Employe Appeals Board to resolve if grievance procedures not bargained	Standard provisions for unfair practices. Strikes prohibited, listed as unfair practice; injunctive relief, court review	Written contract not to exceed 3 years. Cost items must be submitted to governor 10 days after ratification	Legislature has right to reject cost items; renegotiation required. It is responsibility of legislature to act on tentative agreements which require legislative action. To coordinate employer position in negotiation of agreements, legislative council is to maintain liaison with employer relative to cost items. Prior to 1974, 6 vocational institutions under state department of education voluntarily negotiated faculty contracts. University of Maine was excluded as not directly under governor.

State and Statutory Reference; Identification	Coverage; Employe Classification; Level	Bargaining Unit; Type of Representation; Union Security	Administration	Scope of Bargaining; Management Rights
MARYLAND Annotated Code: Art. 77, § 160-160a MC K-12 | P C*	All certificated professional employes of public schools except superintendents and persons designated by employers as their negotiators. In all but 6 counties, noncertificated employes are included.* K-12 level	Unit determined by employer; no more than 2 units per district. Exclusive representation. Dues checkoff permitted	Local boards and state board of education	Salaries, wages, hours and working conditions
MASSACHUSETTS General Laws Annotated: State-County-Municipal Employe Law: Ch. 150-E, § 1-15, 1974 CB K-12 PS | P-C	All state, county and municipal employes, including teachers, and excepting elected officials, board and commission members, police and executive officers. K-12 and postsecondary levels; professional and classified	State Labor Relations Commission to determine appropriateness of units. Exclusive representation. Service fees, dues checkoff permitted in specified areas	Labor Relations Commission: 3 members appointed by governor	Wages, hours, standards of productivity and performance and other conditions of employment
MICHIGAN Statutes Annotated: Public Employe Relations Act: § 423.201 through 423.216 CB K-12 | P-C PS | P	All public employes except those in state classified service. K-12 professional and classified; postsecondary professional	Determination of unit by MERC. Executives and supervisors excluded from employe unit; execs may form own unit. Exclusive representation. No union security	Michigan Employment Relations Board: 3 members appointed by governor, confirmed by senate	Wages, hours and other terms and conditions of employment
MINNESOTA Statutes Annotated; Employment Relations Act: § 179.61 through 179.87 CB K-12 PS | P-C	All public employes except elected officals, election officers, National Guard and some temporary or part-time employes. K-12 and postsecondary levels; professional and classified	Public employe organizations. Principals, asst. principals, supervisors and confidential employes excluded, but may form own unit. Determination of units by PERB. Exclusive representation. Dues checkoff permitted	Public Employment Relations Board: 5 members appointed by governor, 1 at large, 2 employer, 2 employe	Matters pertaining to terms and conditions of employment and grievance procedures. Employer is not required to negotiate inherent managerial policy

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices, Penalties; Strikes	Final Form; Deadline Dates For Completed Agreements	Comments
Mediation by mutual agreement; nonbinding recommendations	Binding arbitration of grievances may be bargained	Standard provisions for unfair practices. Strikes prohibited; loss of dues checkoff and exclusivity rights for 2 years for violation	Written agreement. No deadline specified	A meet and confer law.
Board of Conciliation and Arbitration mediation, factfinding, binding recommendations if mutually agreed by parties and authorized by legislature	May be bargained; binding arbitration permitted. Board of Conciliation and Arbitration available	Standard provisions for unfair practices. Strikes prohibited; injunctive relief. Salary loss, no makeup, discipline and discharge for violation	Written contract not to exceed 3 years. No deadline specified	Legislature authorizes binding arbitration of conract disputes. Request for funding to be submitted to legislature within 30 days after agreement. If rejected, renegotiation prescribed.
Mediation and factfinding; nonbinding recommendations via MERC	May be bargained. Mediation via MERC	Standard provisions for unfair practices. Strikes prohibited; discipline, dismissal for violation	Written contract. No deadline specified	
Final and binding arbitration	Must be bargained; must provide compulsory binding arbitration	Standard provisions for unfair practices. Strikes prohibited; loss of unit recognition, dismissal for violation	Written contract. No deadline specified	Agreements on wages and economic fringe benefits are subject to legislative approval; renegotiation prescribed.

State and Statutory Reference; Identification	Coverage; Employe Classification; Level	Bargaining Unit; Type of Representation; Union Security	Administration	Scope of Bargaining; Management Rights
MISSISSIPPI				
MISSOURI Vernon's Annotated Statutes: Public Employe Law: § 105.500 through 105.540 MC K-12 | P-C PS	Public employes, excluding K-12 and post-secondary teachers and certain others. K-12 and post-secondary classified included	Appropriate unit; community of interest. State Board of Mediation to resolve unit disputes. Exclusive representation. No union security	Public employer	Proposals relative to salaries and other conditions of employment
MONTANA Revised Code: Professional Negotiations Act for Teachers: § 75-6115 through 75-6128 CB K-12 | P	All certificated employes of public school system except chief administrative officers. K-12 level	Principals may be part of teacher unit or may form own group. Exclusive representation. No union security	Local school board	Salary, hours and other terms of employment
MONTANA Educational Employes Law: HB 1032 of 1974, Secs. 1-12 CB PS | P CC	All resident personnel half-time or more: teachers, librarians, counselors, researchers, chairmen, deans. Students excluded. Post-secondary level; professional	Any group of covered employes on any one campus. Exclusive representation; consultative rights of faculty senate or similar groups protected. No union security	Commission on Higher Education and Board of Personnel Appeals	Wages, hours, fringe benefits and other conditions of employment. Academic freedom protected
NEBRASKA Revised Statutes: Teachers Professional Negotiations Act: § 79-1287 through 79-1295 MC K-12 | P	Certificated employes in Class III, IV, V school districts. K-12 level	Unit not specified. Exclusive representation. No union security	Local school board	Employment relations and mutually agreed-to matters

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices, Penalties; Strikes	Final Form; Deadline Dates For Completed Agreements	Comments
				State has no public employe collective bargaining legislation.
No specific provisions	No specific provisions	Standard provisions for unfair practices. Strikes prohibited; no penalties specified	Written agreement. No deadline specified	Agreement to be presented to appropriate legislative body in proper form for adoption, modification or rejection. A meet and confer law. A 1968 attorney general's opinion (#276) stated: "teachers may join in groups and unions for making proposals to school boards, but boards cannot enter into binding agreements with such groups."
Fifty days after beginning of negotiations either party may request fact-finding by Committee on Impasse	No specific provisions	Standard provisions for unfair practices. Strikes prohibited; considered unfair practice; salary loss, suspension, dismissal for violation	Written contract for a maximum of 2 years. No deadline specified	State also has public employe law which excludes teachers, professional instructors, school clerks, school administrators and paraprofessionals employed by school boards; MRC § 59-1601-16.
Mediation, fact-finding, voluntary binding arbitration. Recommendations requiring legislative enactment to be advisory only	Must be bargained	Standard provisions for unfair practices. No specific provisions for strikes	Written contract should be completed in time for governor's budget planning session	Contract agreements do not limit authority of legislature on appropriations.
Factfinding board and non-binding recommendations	No specific provisions	No specific provisions	Written agreement. No deadline specified	A meet and confer law.

State and Statutory Reference; Identification	Coverage; Employe Classification; Level	Bargaining Unit; Type of Representation; Union Security	Administration	Scope of Bargaining; Management Rights
NEBRASKA Revised Statutes: Public Employes Act: § 48-801 through 48-837 CB PS | P-C	Public employes, postsecondary professional and classified included	Unit not specified. Exclusive representation. No union security	State Court of Industrial Relations: 5 judges appointed by governor	Conditions of employment, including wages and hours
NEVADA Revised Statutes: Local Government Employes Management Relations Act: § 288-010 through 288-280 CB K-12 | P-C	Local government employes. K-12 level; professional and classified	Principals, asst. principals or other administrators below may not be in teacher unit unless district employs less than five principals. Separate units otherwise. Exclusive representation. No union security	Local Government Employe Management Relations Board: 3 members appointed by governor	Wages, hours, conditions of employment. Written notice of negotiation to employer by December 1 if funds involved
NEW HAMPSHIRE Revised Statutes Annotated: Public Employe Law: § 98-C:1 through 98-C:7 CB PS | C	Classified state employes, nonacademic excluding department heads and executive officers of University of N.H., Keene State, & Plymouth Colleges. Postsecondary level	Not less than 10 employes on campus or division of university system. Exclusive representation. Dues checkoff permitted	Public Employe Commission: 3 members, 1 chairman of state personnel commission; 1 secretary of state; 1 commissioner of labor; or designees	Conditions of employment. Extensive management rights listed
NEW JERSEY Statutes Annotated: Employer-Employe Relations Act: § 34:13A-1 through 34:13A-13 CB K-12 PS | P-C	All employes: state, county, municipal. Superintendents, other chief administrators excluded. K-12 and postsecondary levels; professional and classified	No unit may contain supervisors and nonsupervisors. Exclusive representation. No union security	Public Employment Relations Commission: 7 members; 2 employer, 2 employe, 3 public appointed by governor	Grievances and terms and conditions of employment

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices, Penalties; Strikes	Final Form; Deadline Dates For Completed Agreements	Comments
Binding arbitration by Court of Industrial Relations	May be bargained	Standard provisions for unfair practices. No specific provisions for strikes	Written contract required to cover biennial period coinciding with state budgeting period. No deadline specified	Written contract is subject to legislative approval.
Mediation and factfinding mandatory by various dates. Governor has authority to make factfinder recommendations binding within 10 days of legislature's adjournment	Appeals and disputes may be made to Local Government Management Relations Board	Standard provisions for unfair practices. Strikes prohibited; no strike pledge required for recognition. Fines, salary loss, dismissal for violation; injunctive relief	Written contract at request of either party; complete by May 5 or within 10 days of legislature's adjournment	Governor has authority to make contract impasse factfinding recommendations binding within 10 days of legislature's adjournment. Contrary to earlier reports, the community college system is part of the University of Nevada system and all of its employes are not covered under this act.
Mediation and factfinding	May be bargained. Binding arbitration for non-fund items; otherwise, advisory	No specific provisions for unfair practices. Strikes prohibited; agreements must contain no strike clause. Discipline, loss of contract for violation	Written agreement not to exceed 5 years. No deadline specified	By statute: Revised Statutes Annotated: 31.3, school board has authority but is not required to deal with teacher organization representatives. State also has municipal police officers collective bargaining: Ch. 64, L 1972.
Mediation, factfinding and arbitration	Must be bargained. May provide for binding arbitration	Standard provisions for unfair practices; injunctive relief. No specific provisions for strikes	Written contracts. Deadline date regulated by PERC	

State and Statutory Reference; Identification	Coverage; Employe Classification; Level	Bargaining Unit; Type of Representation; Union Security	Administration	Scope of Bargaining; Management Rights
NEW MEXICO				
NEW YORK McKinney's Consolidated Laws Annotated: Taylor Act: Secs. 200-214, Civil Service Law CB K-12 | P-C PS	Any person holding a position by employment or appointment with a unit of government. K-12 and postsecondary levels; professional and classified. Managerial, confidential, militia excluded	Community of interest. Final decision by Public Employment Relations Board. Exclusive representation. Dues checkoff permitted	Public Employment Relations Commission: 3 members appointed by governor	Terms and conditions of employment; grievance procedures
NORTH CAROLINA General Statutes				
NORTH DAKOTA Century Code: § 15-38-1.01 through 15-38-1.15 CB K-12 | P	All classroom teachers and administrators employed by a public school system. K-12 level	Teachers and administrators may not be in same unit. Employer determines appropriate unit. Exclusive representation. No union security	Education Fact-finding Commission: 3 members; 1 appointed by state education superintendent; 1 by governor; 1 by attorney general	Terms and conditions of employment; employer-employe relations, salaries, hours. Extensive management rights listed
OHIO				

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices, Penalties; Strikes	Final Form; Deadline Dates For Completed Agreements	Comments
				State has no public employe collective bargaining legislation; but an April 14, 1971 attorney general's opinion indicates a limited collective bargaining right for public employes and teachers. State personnel board rules include limited bargaining procedure for classified state employes
Parties to develop own procedures; may include voluntary arbitration. Mediation and factfinding available. Impasse declared 120 days prior to FY; 10 days after factfinding, legislature may intervene	Must be bargained	Standard provisions for unfair practices. Strikes prohibited; no strike pledge required for recognition; salary loss for violation	Written contract. No deadline specified	Any agreement requiring legislative action to permit implementation or additional funds must be approved by legislature.
				State has no public employe collective bargaining legislation. NCGS: § 95-85 through 95-88. barring public employe membership in national labor organizations was declared unconstitutional by U.S. District Court in 1970; section forbidding state contracts with unions was upheld.
Mediation, factfinding with nonbinding recommendations via Education Fact Finding Commission. Parties may agree to own procedures	May be bargained. Board required to meet and negotiate any question arising out of interpretation of agreement	Standard provisions for unfair practices. Strikes prohibited; salary loss for violation	Written contract. No deadline specified	State also has public employe law dealing with mediation of disputes which would cover postsecondary classified employes: NDCC: § 31-11-01 through 31-11-05
				State has no public employe collective bargaining legislation

State and Statutory Reference; Identification	Coverage; Employe Classification; Level	Bargaining Unit; Type of Representation; Union Security	Administration	Scope of Bargaining; Management Rights
OKLAHOMA Statutes Annotated: § 509.1 through 509.10 CB K-12 | P-C	All employes in district. Those not wishing representation may so state in writing to local board. K-12 level; professional and classified	Separate units for certified teachers and nonprofessional employes. Exclusive representation. No union security	Local boards of education	Items affecting the performance of professional services
OREGON Revised Statutes: Public Employer Law: § 243.711 through 243.795 CB K-12 PS | P-C	Public employes excluding elected, appointed, confidential or supervisory. K-12 and postsecondary levels; professional and classified	No specific provisions for unit. Exclusive representation. Dues checkoff, service fees, union or agency shop permitted	Public Employe Relations Board: 5 members appointed by governor	Including but not limited to salaries, benefits, hours, terms and conditions of employment
PENNSYLVANIA Purdon's Statutes Annotated: Public Employe Relations Act: Tit. 43, § 1101.101 through 1101.2301 CB K-12 PS | P-C	Public employes, excluding elected, governor appointed, management, confidential. K-12 and postsecondary levels; professional and classified	Appropriate units. Disputes to be settled by Labor Relations Board. Exclusive representation. Dues checkoff, membership maintenance permitted	Labor Relations Board: 3 members appointed by governor	Wages, hours and terms and conditions of employment. Extensive management rights listed
RHODE ISLAND General Laws: School Teachers Arbitration Act: § 28-9.3-1 through 28-9.3-16 CB K-12 | P	Certified teachers employed in any public school system, excluding superintendents, asst. superintendents, principals, asst. principals. K-12 level	All covered employes. Exclusive representation. No union security in law, but state supreme court approved agency shop contracts (with limitations) in 1972	State Labor Relations Board: 3 members appointed by governor; 1 management, 1 labor, 1 public	Hours, salaries, working conditions, terms and conditions of professional employment
RHODE ISLAND General Laws: State Employes: § 36-11-1 through 36-11-12 CB PS | P-C	All public, state employes, including postsecondary level; professional and classified	All covered employes. Exclusive representation. Service fees permitted	State Labor Relations Board: 3 members appointed by governor; 1 management, 1 labor, 1 public	Wages, hours, working conditions

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices, Penalties; Strikes	Final Form; Deadline Dates For Completed Agreements	Comments
Parties must develop procedures. 3-member factfinding may be used on impasse	No specific provisions	Discrimination against employes exercising rights is unfair practice. Strikes prohibited; salary loss, loss of unit recognition for violation	No specific provisions	State has fireman, policeman and municipal employe collective bargaining: OSA: § 548.1 through 548.14
Mediation, factfinding, binding arbitration	May be bargained	Standard provisions for unfair practices plus refusal to write and sign contract and violation of contract. Strikes permitted if not in violation of public well-being. Enjoined strikes must be submitted to binding arbitration	Written contract if requested by either party. No deadline specified	
Mutual voluntary binding arbitration permitted. Mediation, factfinding mandatory by budget submission date timetable	May be bargained. Arbitration mandatory	Standard provisions for unfair practices. Strikes prohibited if "clear and present danger" to public well-being. Otherwise permitted after exhaustion of bargaining procedures	Written contract. No deadline specified	Contract may not violate statutes. State has separate collective bargaining laws for (1) police and firemen: SB 1343 L 1968; and (2) municipal transit employes: Act 228 L 1967.
Mediation if requested within 30 days of start of bargaining. Ad hoc panel to provide binding arbitration on all non-fund matters	No specific provisions	No specific provisions	Written contract not to exceed 3 years. No deadline specified	In January 1973, the state supreme court ruled teacher strikes illegal and subject to injunction.
Mediation, factfinding, binding arbitration on non-fund matters	May be bargained	No specific provisions for unfair practices. Strikes prohibited; no penalties specified	Written contract. No deadline specified	State has fireman collective bargaining law: § 28-9.1-2 through 28-9.1-14 and policeman collective bargaining law: § 28-9.2-2 through 28-9.2-14

State and Statutory Reference; Identification	Coverage; Employe Classification; Level	Bargaining Unit; Type of Representation; Union Security	Administration	Scope of Bargaining; Management Rights
RHODE ISLAND General Laws: Municipal Employes Arbitration Act: § 28-9.4-1 through 28-9.4-19 CB K-12 | C	Any employe of municipal employer (including school boards), except elected, management, etc., and teachers. Covers nonteaching K-12 personnel	All covered employes. Exclusive representation. No union security	State Labor Relations Board: 3 members appointed by governor; 1 management, 1 labor, 1 public	Hours, salary, working conditions, all other terms and conditions of employment
SOUTH CAROLINA				
SOUTH DAKOTA Compiled Laws: Public Employe Negotiation Law: § 3-18-1 through 3-18-20 CB K-12 PS | P-C	Any person holding a position by appointment or employed with state public service. K-12 and postsecondary level; professional and classified	Appropriate unit; dispute to be resolved by Commissioner of Labor and Management Relations. Exclusive representation. No union security	Commissioner of Labor and Management Relations	Wages, hours and other terms and conditions of employment
TENNESSEE				
TEXAS Vernon's Codes Annotated				
UTAH				

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices, Penalties; Strikes	Final Form; Deadline Dates For Completed Agreements	Comments
Mediation, conciliation, binding arbitration on non-fund matters. State director of labor available	No specific provisions	No specific provisions for unfair practices. Strikes prohibited; no penalties specified	Written contract not to exceed 3 years. No deadline specified	
				State has Grievance Procedures Acts for state, county and municipal employes: SB 121 and SB 124, L1971; but no public employe collective bargaining legislation.
Mediation with Commissioner of Labor and Management Relations available; other procedures optional	Employer to establish grievance procedures; binding decision by Commissioner of no local solution	Standard provisions for unfair practices. Strikes prohibited; injunctive relief; court review	Written contract. No deadline specified	Agreements must be submitted to appropriate legislative body, governing body or officer for approval and necessary implementation.
				State has no public employe collective bargaining legislation.
	Boards of trustees and administrative personnel of school districts may consult with teachers on matters of educational policy and conditions of employment: VTCA § 13.901. In May 1967 (#M-77) attorney general ruled that public employes have the right to present grievances concerning wages, hours or working conditions through a union not claiming the right to collective bargaining or strikes. VTCA § 22.278 forbids public employe collective bargaining contracts or strikes. State has Fire and Police Employe Relations Act permitting collective bargaining in local jurisdictions only after petition and public referendum: HB 185 of 1973.			
				State has no public employe collective bargaining legislation. The Right to Work law allows organization but not negotiation.

State and Statutory Reference; Identification	Coverage; Employe Classification Level	Bargaining Unit; Type of Representation; Union Security	Administration	Scope of Bargaining; Management Rights
VERMONT Statutes Annotated: Labor Relations Act for Teachers: Tit. 16, § 1981 through 2010 **MC** **K-12 | P**	All certified teachers and administrators in publicly funded schools	Separate units for teachers and administrators. Exclusive representation. No union security	No specific provision	Salaries, related economic conditions of employment, grievance procedures, other mutually agreed items not in conflict with statutes. Extensive management rights
VERMONT Ch. 7, L 1969 State Employe Labor Relations Act **CB** **K-12 PS | P-C** Coverage is selective: all state university personnel excluded	State employes including: certified primary and secondary teachers at state hospital, state training school for retarded, state juvenile correctional institution; faculty and nonfaculty at state colleges; state police. Excluding: certain exempt personnel, administrative, management, etc. Excluding: all personnel at state university	Appropriate unit determined by Employe Labor Relations Board. Exclusive representation. No union security	State Employe Labor Relations Board: 3 members appointed by governor	Wages, salaries, hours, other terms and conditions of employment not in conflict with statutes. Merit system principles protected
VERMONT Statutes Annotated: Municipal Employe Relations Act: § 21-1701 through 21-1710 **CB** **K-12 | C**	Municipal employes, including school district classified personnel; excluding elected, supervisors, confidential, certified, etc. K-12 level	Separate units for professional and nonprofessional. Exclusive representation. Dues checkoff, service fees permitted	State Employe Labor Relations Board: 3 members appointed by governor	Wages, hours, conditions of employment
VIRGINIA				

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices, Penalties; Strikes	Final Form; Deadline Dates For Completed Agreements	Comments
Mediation, fact-finding, nonbinding recommendations. American Arbitration Association may assist. Employer decision final	Must be bargained	No specific provisions for unfair practices. Actions posing "clear and present danger to sound program of school education" prohibited; injunctive relief	Written agreement. No deadline specified	A meet and confer law.
Factfinding by panel to ELRB; ELRB recommendations binding only by mutual agreement; may not conflict with statutes	Rules and final determination by ELRB	Standard provisions for unfair practices; implied discipline. Strikes prohibited; listed as unfair practice; implied discipline	Written contract not to exceed 3 years	
Mediation, fact-finding, advisory recommendations; voluntary binding arbitration	May be bargained. Binding arbitration of contract interpretation grievances may be included. Voluntary binding arbitration of tenure grievances must be only procedure for such; supersedes state law	Standard provisions for unfair practices. Strikes permitted only: 30 days after factfinding, after binding arbitration award, and if no danger to public well-being. Injunctive relief	Written contract. No deadline specified	Contracts must not violate state law. Contracts which violate ordinance, by-law, rule or regulation must be approved by appropriate legislative body. Voluntary binding arbitration awards in tenure grievances may supersede state law.
				State has no public employe collective bargaining legislation. In July 1962 and February 1970, attorney general's opinions ruled that local employes and teachers have the right to bargain.

State and Statutory Reference; Identification	Coverage; Employe Classification; Level	Bargaining Unit; Type of Representation; Union Security	Administration	Scope of Bargaining; Management Rights
WASHINGTON Revised Code Annotated: § 28A.72.010 through 28A.72.100 MC K-12 | P	All regularly certificated employes except chief administrative officers. K-12 level	All covered employes. School principals and asst. principals may form separate unit. Exclusive representation. No union security	Local school board and state superintendent of public instruction	Consult on curriculum, textbooks, inservice training, student, teaching, personnel hiring and assignment practices, leaves of absence, salaries, noninstructional duties, etc. Principals and assistants limited to compensation, hours, contract duration
WASHINGTON Revised Code Annotated: Community College Negotiations Act: § 28B.52.010 through 28B.52.200 CB CC | P	Academic employes of community college district	All covered employes. Chief administrators may be included in academic unit by election	Director of state system of community colleges	Curriculum, textbooks, in-service training, student teaching, personnel hiring and assignment practices, leaves of absence, salaries, noninstructional duties
WASHINGTON Revised Code Annotated: Public Employe Collective Bargaining Act: § 41.56.010 through 41.56.950 CB K-12 | C	Public employes with specific exceptions. Act includes K-12 classified personnel	Appropriate units. Exclusive representation. Dues checkoff, service fees permitted. Union security provisions prevail over charter, ordinance, rule or regulation	Department of Labor and Industry	Grievance procedures, wages, hours, working conditions. Excludes matters delegated to other authority by ordinance, resolution or charter
WASHINGTON Revised Code Annotated: § 28B.16.100 CB PS | C	State classified employes including postsecondary	Appropriate units. Exclusive representation. Dues checkoff permitted	State Personnel Board	Grievance procedures and all personnel matters over which institutions or related boards may lawfully exercise discretion
WEST VIRGINIA				

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices, Penalties; Strikes	Final Form; Deadline Dates For Completed Agreements	Comments
Ad hoc committee appointed by state superintendent to make nonbinding recommendations	No specific provisions	No discrimination because of exercise of rights. No specific provisions for strikes	No specific provisions	A meet and confer law
State director may conduct mediation, fact-finding, appoint ad hoc committee to make nonbinding recommendations	No specific provisions	No discrimination because of exercise of rights. No specific provisions for strikes	Written contract not to exceed 3 years. No deadline specified	Contract is not binding on future actions of legislature.
State mediation service, arbitration	Must be bargained. May provide binding arbitration on disputed interpretation of agreement	Standard provisions for unfair practices; injunctive relief. Strikes prohibited, no penalties specified	Written contract not to exceed 3 years. No deadline specified	State also has Port District Employe Act: SB 34, L 1967
No specific provisions	May be bargained	No specific provisions for unfair practices. Strikes prohibited; no penalties specified	Written agreement. No deadline specified	Fund matters subject to approval of chief financial officer.
				State has no public employe collective bargaining legislation.

State and Statutory Reference; Identification	Coverage; Employe Classification; Level	Bargaining Unit; Type of Representation; Union Security	Administration	Scope of Bargaining; Management Rights
WISCONSIN Statutes Annotated: Municipal Employe Relations Act: § 111.70 through 111.71 CB K-12 | P-C	Any employe of a political subdivision with specific exceptions. Includes teachers and classified, K-12 level	All employes of one employer except executives, supervisors. Exclusive representation. Dues checkoff, service fees permitted	State Employment Relations Commission: 3 members appointed by governor	Wages, hours, and conditions of employment. Extensive management rights listed
WISCONSIN Statutes Annotated: State Employment Labor Relations Act: § 111.80 through 111.97 CB CC | P-C PS | C	All state employes except 4-year postsecondary teachers. Includes 2-year postsecondary teachers, all postsecondary classified employes. Supervisors, management, etc. excluded	Statewide basis: 1 unit for education employes. Exclusive representation. Dues checkoff, service fees permitted	State Employment Relations Commission: 3 members appointed by governor	Wages, employe classification, fringes, hours and conditions of employment. Extensive management rights listed. Merit system protected
WYOMING				

DISTRICT OF COLUMBIA Public employes have bargaining rights by executive order of the Commissioner of D. C.

VIRGIN ISLANDS Public employes have right to organize, join, meet and confer by executive order of governor.

Bargaining Impasse Procedures	Grievance Procedures	Unfair Practices, Penalties; Strikes	Final Form; Deadline Dates For Completed Agreements	Comments
Mediation, fact-finding, arbitration. Employment Relations Commission available	May be bargained	Standard provisions for unfair practices; no specific, penalties. Strikes prohibited; injunctive relief, fines deducted from salaries	Written and signed document. No deadline specified	State has policeman and fireman collective bargaining: WSA § 111.77.
Mediation, fact-finding, arbitration. Employment Relations Commission available	May be bargained	Standard provisions for unfair practices; no specific penalties. Strikes prohibited; fines, suspension, lawsuit for violation	Written and signed document. No deadline specified	Tentative agreements must be submitted to Employment Relations Commission and Legislature for approval, implementation on cost or statutory matters. If rejected, renegotiation required.
				State has no public employe collective bargaining legislation.

The Effect of Federal Legislation on Public Employe Bargaining Rights

After almost 200 years of federalism in the United States, the separate and individual states are beginning to move, for the purposes of simplicity and expediency, to a more uniform system of laws. The proposal and acceptance of uniform codifications (e.g., the Uniform Commercial Code and the Uniform Probate Act) suggest the growth of this movement.

In some areas the crazy-quilt pattern still exists, and no area of laws is more different among the states than the state collective bargaining laws for public employes. But by the end of the 94th Congressional session in December 1976, public employe collective bargaining laws may yet be another example of nationwide uniformity.

Federal legislation has been introduced that could bring all state and municipal employes under a federal labor relations structure. This paper examines the bills that might form the basis for this structure and looks at the effects this legislation would have at the state level.

The Federal Legislation and Committee Testimony

The first legislation in the current series of bills to be introduced was read in the first session of the 92nd Congress (1971-72). A number of hearings were held on the bills, but neither was reported out of the special subcommittee on labor. The same bills were reintroduced in the 93rd Congress in an effort by the sponsors to get as wide a range of input of ideas as possible. During the extensive hearings in 1973-74, the subcommittee heard from over 50 different groups that wished to state a position on these bills. But again, neither bill was voted on (for a list of witnesses who testified before the subcommittee, see Appendix II).

There have been two bills that were actually examined, and they represent the two major approaches that have been suggested in forming a structure to protect the bargaining rights of public employes at the state and local level. One of the bills is H.R. 8677, cosponsored by Representative William Clay of Missouri

and Representative Carl Perkins of Kentucky and introduced in the Senate by Senator Harrison Williams of New Jersey as S. 3295. This bill, the Public Employment Relations Act (PERA), establishes a Public Employment Labor Relations Commission, a labor relations board not unlike the National Labor Relations Board that governs the collective bargaining structure in private sectors. PERA provisions, similar to the National Labor Relations Act (NLRA), include sections on the creation of a board to administer the act, a list of rights of employes, employe organization obligations, obligations of employers, definitions of unlawful practices, recognition and bargaining unit determination, procedures for negotiating a collective bargaining agreement and impasse procedures (for a summary of major provisions of H.R. 8677, see Appendix I).

The other bill is H.R. 9730, sponsored by Representative Frank Thompson of New Jersey, and introduced in the Senate again by Senator Williams as S. 3294. The different tack that Thompson's bill takes is that it merely deletes a few words in the National Labor Relations Act. That deletion enables the public employe unions to come under the umbrella of the NLRB, using the same rules and procedures as private industry now uses.

Senator Williams' legislative aide explained why he introduced both bills; his reasoning probably is shared by many other legislators on Capitol Hill. "The senator," the aide explained, "is in favor of legislation protecting the bargaining rights of state public employes but is unsure of which route to take in insuring those rights." Senator Williams therefore introduced both methods holding considerable popularity so as to get evidence and debate between the two views and to hear how the labor community reacts.

This is not to say that there has not been opposition to both of these bills. In fact, there was considerable opposition to even Congressional discussion of the proposals. Although some of the opposition was basic anti-unionism at any level, general objections to the bills include:

1. Public employes should not have the right to strike.
2. With unionization, public employes would control the public tax burdens, and taxes would go up in order to pay for collective bargaining demands.
3. State public employe collective bargaining is an area that should be controlled by the states.
4. If the "employer" is the citizen, who can fairly and representatively bargain for him?
5. The merit system would disappear under the collective bargaining scheme.
6. Unlike a private industry strike, the public has nowhere else to go for services if the public employes go on strike.

Proponents of a federal collective bargaining bill put forth a number of reasons why such a bill is necessary. Among these are:

1. The civil service system has failed to meet the needs of public employes and is not an acceptable substitute for collective bargaining.
2. The federal government is al eady playing such a large role in the state and local scene (i.e., education) that it is a logical extension of that role to protect the employes affected.
3. Collective bargaining agreements can be the basis for improvement of state administration or, in the case of education, for improvement of the education system.

4. Strikes by state public employes have effects nationwide, and federal legislation is needed to help avert labor disputes that would be a burden on interstate commerce.

The question of the right and/or the privilege to strike for public employes certainly raised the most emotional testimony on the bills. Opponents introduced data to show the increasing number of strikes by public employes and the number of citizens those strikes are affecting.

In an effort to counter that evidence, a number of witnesses contended that the majority of strikes, at least in the education sector, are recognition strikes—i.e., employes taking concerted action to withhold services because the employer refuses to allow establishment of a representative bargaining unit for employes.

Representative Clay, one of the sponsors of the bill, contended that passage of this type of legislation would end recognition strikes by establishing procedures to insure the bargaining rights of public employes, and thus "would end the disruption of public services."

While recognition strikes may well disappear, Representative Clay and others agree that other strikes might still occur, but one of the intentions of such legislation is to discourage strikes. By introducing procedures to handle labor problems, the bill establishes uniformity of process among all public employes.

Helen Wise, past president of the National Education Association, agrees with Representative Clay and further states that there are times when strikes by public employes should be allowed. Just as in the private sector, Wise points out, penalties do not deter strikes, and it is wrong to state that public strikes would necessarily be a greater harm to a community than private employe strikes. And while not all public employe strikes result in community emergencies, she felt that there is enough of a safeguard in the power of the courts to order employes back to work when these emergencies result.

Representative Thompson, speaking in favor of his bill, points out that these same types of emergency procedures exist under the National Labor Relations Act and would be used in the same situations for public employes. Further, Representative Thompson states, teacher strikes do not come under this category because, while education is essential, teacher strikes do not create community emergencies. He agrees to the necessity of the judicial checking power but feels that this power should be used discreetly and only in times of actual emergency.

A great amount of testimony to the contrary has been presented, and the emotional issue of whether public employes should strike has been deeply explored. Some followers of the Washington scene are assuming that any bill coming out of committee will include the right to strike with the power of judicial intervention when necessary to curb that right.

Another of the widely disputed questions is whether this type of legislation is an area in which the federal government should be involved. Proponents for the bill argue that the federal government has a legitimate responsibility to develop a scheme to assure that all governmental services continue. The chaos that results from state public employe labor problems may affect the whole country, they feel.

Opponents do not feel that way. Frank

LeSuer, president of the National Public Employer Labor Relations Association, testified that uniformity in this area was not only unnecessary and inappropriate but was also undesirable. He felt that if the states are diverse and separate, then each should control its public employes within its own structure.

LeSuer and others also questioned the legality of such legislation, but from the testimony before the committee, it seems quite clear that there is a legal basis for either H.R. 8677 or H.R. 9730. This legal basis was shown in two ways:

1. The Public Employment Relations Act that is created by H.R. 8677 is not unlike the National Labor Relations Act. The NLRA was held to be constitutional by the Supreme Court in *NLRB v. Jones and Laughlin Steel,* 301 U.S. 1 (1937). Further, the Supreme Court has held that "it is clear that labor conditions in schools and hospitals can affect commerce" and an extension to cover all public employes would be logical enough to bring their activity under the commerce power of Congress (*Maryland v. Wirtz,* 392 U.S. 183 [1968]).

2. The ability of Congress to affect public employe salaries, benefits and other related conditions of employment has already been upheld by the recent action Congress took in imposing wage and price controls.

Anticipated Effects of Legislation

The question of most concern to the subcommittee, and yet the question that was never fully answered in the hearings, is what the effects of such a bill would be on the American people. These discussions arose out of the wide-ranging interpretations that witnesses gave to Section 3(m) of H.R. 8677 and Section 8(d) of the NLRA, which would be used with the passage of H.R. 9730. These sections relate to the scope of negotiations and define it as follows:

"3(m): The scope of negotiations is the terms and conditions of employment and other matters of mutual concern relating thereto."

"8(d): The scope of negotiations between employers and representatives covers wages, hours and other terms and conditions of employment."

Opponents of the legislation fear the scope of bargaining is too broad and would produce numerous disputes during the bargaining process. Harold Lumb, representing the National Association of Manufacturers, goes further in stating that the terms of the section provide for union veto power over any management prerogatives.

Members of the subcommittee were also troubled with this possible problem area, but they felt, as Representative Marvin Esch of Michigan states, that "this is a point that is unfortunately misconceived by many individuals in the general public." The subcommittee was concerned but did not believe the section contained the veto powers of which Lumb spoke.

What, then, might be part of "conditions of employment and other matters of mutual concern?" Topics suggested for the education sector might include:

a. All salary matters, including dues deductions and union checkoff fees as provided in Section 5 of PERA; insurance deductions, salary schedules and coverage under federal social security laws.

b. All retirement matters, including

minimum age and service required, pension benefits and retirement pay, employe retirement funds, and maximum teaching age.

c. Termination matters, including effects of decreasing full-time enrollment and/or budgetary problems on teacher employment, layoff and recall procedures, severance pay, and resignation procedures.

d. Sabbaticals and leaves of absence, including jury duty and court appearances, sick leave and maternity leave, and personal or religious leave time.

e. Professional release time, including attendance at education meetings and conferences, mileage and time allowances, exchange programs involving teachers, and inservice training programs.

f. School duties, including lunch room and playground duty and extracurricular and after-school assignments.

g. Classroom management, including use of aides, paraprofessionals, student teachers and parents; classroom supplies and service maintenance.

h. Teaching matters, including class size, teaching load, available disciplinary actions and procedures, professional conduct codes and regulations for teachers, planning periods, assignment of teachers and subject matter; assignment of students.

i. Contracts, including tenure achievement, dismissal and grievance procedures, evaluation and merit increases, individual contracts versus union contracts, length of employment including school year, holidays and required daily hours; bargaining and impasse procedures.

j. Governmental matters, including military and reserve duty, state inspection of health and safety, teacher certification and revocation of certificate, legal action against teachers, political contributions, running for public office and workmen's compensation.

From this incomplete list of possible bargaining topics, one can surmise that if these areas are accepted as bargainable issues, the budgets of school districts and states most definitely would be affected. The subcommittee was aware of this, as Section 3(m) of PERA included the term "the budget-making process" as a factor to be considered in collective bargaining.

The most obvious funding source for increased demands and higher settlements is the citizen—through new and higher taxes. Proponents of the bill argue that taxes need not go up to support public employment collective bargaining rights. They prefer a reorganization of state budgetary policies and have suggested a new method of accomplishing this: Use the model most often used in the private sector with a long-term (two, three or four years) employment contract for public employes. This could introduce a different pattern of state budget making and could change fiscal policy considerations from an annual matter of discussion to a less frequent headache for state legislators.

These long-term contracts (three-year) are already in use in some cities in the country. One of the witnesses before the subcommittee, Mayor Edward H. McNamara of Livonia, Mich., presented evidence to show that three-year contracts work well and planning and budgeting over longer periods of time are done with "greater accuracy" because of certainty of what "personnel-related costs

will be." He went on to state that the citizens of Livonia, the state's fifth largest city, are "assured of a three-year period free from labor disputes" and "can reasonably assume that city services will be maintained at stable levels."

Another point put forth by proponents of the three-year contract system is that if the state requires the school budget to be submitted before the state three-year budget is approved, negotiations in each school district must begin before the school district budget is finalized. This would give time for both sides to map out together the direction education in the district should take over the following three years. (Currently, only a few state laws include *specific* deadline dates for contract completion, as indicated in the state charts.)

These, then, are the types of immediate effects passage of a public employment relations act might produce. But what are the views down the road, 20 or 30 years from now?

Probably the most important effect that has been discussed could be the move to statewide school districts and the eventual abolishment of local school boards as budgetary institutions. This effect could result from three factors: The present use in some states of full, or nearly full, state funding of school construction; the court-ordered move toward statewide equalization of operational costs; and the possibility of statewide public employe unions that would negotiate with the budgetary committee of the state legislature. The ultimate question, of course, is what effect all of this would have on the quality of education.

Appendix I: Major Provisions of Proposed Federal Collective Bargaining Statute

H.R. 8677

1. The statute would regulate the employment relationship between certain public employers (i.e., states, territories, and possessions of the United States and the political subdivisions thereof) and their employes.

2. Administration of the statute would be by an impartial agency consisting of five members appointed by the President with the approval of the Senate. The commission's principal office would be in the District of Columbia, but it would be able to establish state and regional offices.

3. The commission would be responsible for interpreting, applying and enforcing the provisions of the statute, including the determination of all questions relating to employe representation, and would employ an executive director and others as required for it to carry out its functions. A general counsel for the commission would be appointed by the President with the approval of the Senate.

4. Each employer would bargain over terms and conditions of employment and other matters of mutual concern exclusively with the employe organization that represented a majority of the employes in an appropriate unit.

5. An employe organization would be recognized as the exclusive representative if it was able to demonstrate its majority support through appropriate evidence. An election would be held if the commission concluded that other forms of evidence were not adequate to demonstrate majority support or if there were competing claims from two or more employe organizations.

6. Supervisors and nonsupervisors would be required to have separate bargaining units, except in the case of firefighters, public safety officers and education employes. Education supervisors and nonsupervisors could be included in the same unit, but professionals and nonprofessionals would be required to have sep-

arate bargaining units unless a majority desired inclusion in a single unit.

7. All members of the bargaining unit who were not members of the recognized organization would be required, as a condition of continued employment, to pay to such organization an amount equal to the dues and assessments charged members.

8. An employer and a recognized organization would be permitted to enter into an agreement pursuant to which all members of the bargaining unit would be required, as a condition of continued employment, to become members of the recognized organization.

9. Impasses in bargaining would be resolved as follows:

a. A mediator would be appointed by the Federal Mediation and Conciliation Service and would meet with the parties in an effort to effect a mutually acceptable agreement.

b. If the mediator were not successful in resolving the dispute within a specified number of days after his appointment, a fact-finder with power to make findings of fact and to recommend terms of settlement would be selected by the parties or, if they were unable to agree upon a person, would be appointed by the Federal Mediation and Conciliation Service. The recognized organization would decide whether the recommendations of the fact-finder would be binding or only advisory.

10. If the recommendations are to be binding, the recognized organization would be prohibited from engaging in a strike. If they are to be only advisory, the organization would be enjoinable only to the extent that it posed a clear and present danger to the public health or safety or if the organization had not attempted to utilize impasse procedures.

11. An employer and a recognized organization would be permitted to substitute their own impasse procedures for those provided in the statute.

12. Disputes involving the interpretation or application of the provisions of negotiated agreements could be submitted to binding arbitration pursuant to procedures set forth in such agreements or, in the absence of such procedures, could be submitted by either party to binding arbitration pursuant to the rules of the commission.

13. It would be unlawful for an employer to:

a. Impose reprisals or discriminate against an employe for exercising the rights guaranteed by the statute.

b. Dominate or interfere with the formation or administration of an employe organization

c. Encourage or discourage membership in an employe organization by discriminating in regard to hire, tenure or other terms and conditions of employment

d. Fail to bargain in good faith with a recognized organization

e. Deny an employe organization a place to meet, access to work areas or the use of bulletin boards, mailboxes and other communication media; refuse to deduct membership dues for an employe

organization, and conversely, once an organization had been recognized, it would be unlawful for an employer to grant these rights to any other employe organization.

14. It would be unlawful for an employe organization to:

a. Attempt to cause an employer to commit an act prohibited by Section 13 above

b. Restrain or coerce an employe in the exercise of the rights guaranteed by the statute or an employer in the selection of its bargaining representatives

c. Fail to bargain in good faith if it has been recognized as the exclusive representative.

15. A charge that an act prohibited by Section 13 or Section 14 above had been committed could be filed with the commission and the commission would be empowered to deal with the matter.

16. If any state, territory or possession established statutory procedures for regulating employer-employe relations that were substantially equivalent to those provided in this statute, it would be permitted to operate under its own statute.

Appendix II: Witnesses Testifying on H.R. 8677 and H.R. 9730

Hearings held in 1973-1974 before the special subcommittee on labor, House of Representatives.

Testimony in favor of H.R. 8677, the National Public Employment Relations Act

Ralph Flynn, executive director, Coalition of Public Employees (composed of the following four unions in a coalition). Membership: 2.4 million.
National Treasury Employees Union.
Helen Wise, president of the National Education Association. Membership: 1.4 million.
W. H. McClennan, International Association of Firefighters. Membership: 162,000.
Jerry Wurf, American Federation of State, County and Municipal Employees, AFL-CIO. Membership: 630,000.

Pat Tornillo, chairman, Florida Public Employee Council. Membership: 100,000.

Robert Gould, Colorado Education Association.

Coalition of Black Trade Unionists.

International Conference of Police Association. Membership: 170,000.

United Automobile Workers.

American Nurses Association.

Testimony in favor of H.R. 9730, use of the National Labor Relations Act

Service Employees International Union, Membership: 500,000.

American Federation of Teachers. Membership: 400,000.

Henry Wilson, Laborer's International Union. Membership: 600,000, one-tenth of which is public employment.

Honorable Edward Roybal, Congressman from California.

Testimony in favor of general law protecting public employes

Honorable Kevin White, mayor of Boston, Mass.

Honorable Edward McNamara, mayor of Livonia, Mich.

United Teachers Guild of Baltimore, Md. Membership: 400.

Testimony in opposition to both H.R. 8677 and H.R. 9730

National Association of Manufacturers.

National Right to Work Committee.

U.S. Industrial Council. Membership: 3,000 business firms.

John Marshall, Assembly of Government Employees (AGE). Membership: 700,000 (see below).

American Association of Classified School Employees. Membership: 100,000.

Alabama State Employees Association, member AGE. Membership: 11,000.

California State Employees Association, member AGE. Membership: 103,000.

Michigan State Employees Association, member AGE. Membership: 19,000.

Minnesota State Employees Association, member AGE.

Frank LeSueur, president, National Public Employer Labor Relations Association. Membership: 200 state negotiators.

Robert Thompson, U.S. Chamber of Commerce.

Fred Heddinger, executive director, Pennsylvania School Boards Association.

Honorable Sam Steiger, Congressman from Arizona.

Seventh-Day Adventist Churches in the U.S. Membership: 3,470 congregations.

Illinois State Chamber of Commerce. Membership: 19,000.

County of Los Angeles, Calif.

Honorable Peter Brennan, Secretary of Labor.

National Labor-Management Foundation.

American Farm Bureau Federation. Membership: 2,175,780 families.

Associated Builders and Contractors, Inc. Membership: 6,000 firms.

Association of Community College Trustees. Membership: 298 colleges.

Representatives of the National Student Lobby also appeared as witnesses and expressed favor with the basic idea of the legislation, but they want an addition to insure the rights of students in higher education institutions in participating in the collective bargaining process on campus.

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